

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kauaʻi Fire Commission		Meeting Date	February 1, 2016
Location	Mo`ikeha Building – Meeting Room 2A/B			Start of Meeting: 2:00 p.m.	End of Meeting: 3:18 p.m.
Present	Chair Bradley Maruyama; Vice-Chair Thomas Nizo; Members: Michael Martinez and Mari Yokoi Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Jay Furfaro; Deputy County Attorney Teresa Tumbaga				
Excused	Clifton Jimmy Miranda				
Absent	Dan Brown				
SUBJECT		DISCUSSION		ACTION	
Call To Order		Prior to the start of the meeting, Eddie Topenio Administrative Assistant to the County Clerk gave the Oath of Office to Commissioner Thomas Nizo for his 1 st Term ending on 12/31/2018.		Chair Maruyama called the meeting to order at 2:00 p.m. with four (4) members present constituting a quorum.	
Approval of Minutes		<ul style="list-style-type: none">▪ Regular Open Session Minutes of December 7, 2015.▪ Regular Executive Session Minutes of December 7, 2015.		Vice Chair Nizo moved to approve the Open Session Minutes of December 7, 2015. Commissioner Yokoi seconded the motion. Motion carried 4:0 Vice Chair Nizo moved to approve the Executive Minutes of December 7, 2015. Commissioner Yokoi seconded the motion. Motion carried 4:0	
Chief’s Monthly Reports for November and December		1. Fire Commission Reports 2. KFD Fiscal Report for 2015/2016 3. Daily Flight Hours and Alarm Data Chief Westerman provided an overview of his monthly reports for the months of November and December noting that he attended the Charter Review Commission meeting which he would later discuss in the meeting. Chair Maruyama asked Chief Westerman what was the purpose of his visit			

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	<p>to the proposed dairy site at Mahalepu in Po'ipū.</p> <p>Chief Westerman stated that basically the developers wanted to reveal where they plan to build the access road to the facility in case a fire occurs noting that he happy that the developers are taking the initiative to improve and maintain the road conditions.</p> <p>With no further questions, Chair Maruyama called for a motion to receive the Chief's monthly reports in its entirety.</p>	<p>Vice Chair Nizo moved to receive the Chief's monthly reports for the months of November and December. Commissioner Yokoi seconded the motion. Motion carried 4:0</p>
<p>KFC 2015-14</p>	<p><u>General discussion on the Fire Department's FY 2016/2017 Budget (On-going).</u></p> <p>Chief Westerman reported that the budget for FY 2016/2017 will be submitted to the Administration on February 19, 2016, and that the budget reflects an increase in salaries due to the collective bargaining agreement and the conversion of the deputy chief's position to an assistant chief's position.</p> <p>Commissioner Martinez asked if he could get a copy of the proposed budget that he plans to submit to the Administration to which Chief Westerman replied yes.</p> <p>With no further discussion, Chair Maruyama called for a motion to take agenda item KFC 2016-03 before agenda item KFC 2016-01 to accommodate Deputy County Attorney Nick Courson schedule.</p>	<p>Commissioner Martinez moved to take agenda item KFC 2016-03 before agenda item KPC 2016-01. Vice Chair Nizo seconded the motion. Motion carried 4:0.</p>

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KFC 2016-03	<p><u>Training on parliamentary procedures by Deputy County Attorney Nick Courson.</u></p> <p>Deputy County Attorney Courson began by thanking the Commissioner's for giving him the opportunity to speak on parliamentary procedures. He stated that parliamentary procedures is all about fairness, structure and organization.</p> <p>Deputy Attorney Courson provided tips on how to keep the record clean by simply withdrawing a motion rather than to try to amend it. If the motion has already been seconded, the secondary could object, and if they don't object then the motion should be put before the body for the vote.</p> <p>Another useful parliamentary procedure is "calling for the question". This motion is generally used to end debate on a pending proposal and should not be used to silence the minority meaning, if they haven't had the chance to say their peace they should be given the chance to do so. Another useful motion is appealing the decision of the Chair. This motion is used when a Chair wants to discuss a particular topic that is outside of the body's purview.</p> <p>Deputy County Attorney Courson explained that the proper way to make a motion is to address the Chair first and once someone seconds the motion, the Chair should repeat the motion and then call for the discussion, and then the vote.</p> <p>Chair Maruyama stated that he is still feels uncomfortable with executive session procedures. Deputy County Attorney Courson stated that some of procedures are outside of parliamentary procedures and has more to do with Chapter 92.</p>	

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	<p>Administrator Furfaro informed the Commissioners that the Office of Boards and Commission will be holding four (4) training seminars starting in February and ending in May. The training seminars will take place at the Līhu'e Civic Center, Piikoi Building from 9:30 a.m. to 11:30 a.m. He encouraged the members to attend the first training session on "Effective Meeting Management "scheduled for Tuesday, February 2nd.</p> <p>With no further questions, Chair Maruyama moved unto the next agenda item.</p>	
KFC 2016-01	<p><u>Discussion on evaluating the Fire Chief based on criteria found in the Kaua'i County Charter and the Kaua'i County Fire Commission Rules of Administrative Practice and Procedure.</u></p> <p>Chair Maruyama stated a couple meetings ago, the Commissioners talked about changing the format of its current performance evaluation form versus leaving it status quo. He stated that during the discussion, Commissioner Brown suggested that the Commission create its own form similar to what the Police Commission is using to evaluate the Police Chief.</p> <p>Chair Maruyama explained that it is important that the new form include key components found in the Fire Chief's job description because it will help the Commission to make informed decisions about his performance.</p> <p>Administrator Furfaro stated that if the Commission wants to modify the current standard piece he suggest inviting the Director of Human Resources to the next Commission meeting to get her input on the matter.</p>	

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	<p>Commissioner Martinez mentioned he thought the Commission had gone ahead and solicited HR's input on how to properly evaluate the Chief noting perhaps the Chief could provide the Commission with input on the areas he feels he should be evaluated on; areas where the Commission may not see that may be pertinent to what he does.</p> <p>Chair Maruyama instructed Staff to make arrangements to have the Human Resources Director present at the next meeting to provide input relative to the annual performance evaluations for department heads.</p> <p>Additionally, Chair Maruyama asked Fire Chief Westerman if he had a problem discussing the matter in open session. Fire Chief Westerman stated that he has no problem handling the matter in open session as long as the Commission does not talk about his individual performance evaluation.</p> <p>Deputy County Attorney Tumbaga handed out copies of the section in the Charter relating to the Fire Department and Fire Commission's Rules on Practice and Procedure.</p> <p>Vice Chair Nizo stated that he agrees with Commissioner Martinez's suggestion that having Chief Westerman's provide some of his own input on the areas he feels he should be evaluated on is a great idea.</p> <p>Chair Maruyama asked if it would be okay to discuss the specifics of the Chief's input in open session. Administrator Furfaro explained that if the discussion is in reference to Chief Westerman's personal evaluation he would not go there without first conferring with the County Attorney. He pointed out that the section of the Charter reflects the minimum requirements so the Commission could build on it.</p>	

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	<p>Fire Chief Westerman stated that he understands the struggles the Commission is going through because he faces the same struggles when asked to evaluate a department head. He shared that it's difficult for him to do a fair evaluation on a department head because he doesn't have enough interaction with them on a daily basis, and unlike the Fire Commission whose responsibility is to evaluate him; it is not his responsibility to evaluate a department head.</p> <p>Fire Chief Westerman indicated that the annual performance reviews is a key component to an employee's development and it should be a fair and balanced.</p> <p>Deputy County Attorney Tumbaga advised the Commissioners to keep in mind when making a decision their section of the charter as well as their rules because it's based on the powers of the Commission.</p> <p>Commissioner Yokoi asked if it would be appropriate to ask for a blank copy of the Police Chief's performance evaluation form to compare. Commissioner Martinez stated that although it would be a good idea to see what the form looks like he would like to wait to hear from the Director of Human Resource first to see what she provides.</p> <p>Vice Chair Nizo stated that it would be interesting to see what the Police Chief's performance evaluation form looks like because from what he understands the Police Commission spent a lot of time and energy tailoring it. He questioned if the Police Commission has a rating system, and if so, how does it affect the Police Chief's position.</p>	

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	<p>Deputy County Attorney Tumbaga stated that she has a copy of the Police Chief's performance evaluation if the Commissioners are interested in seeing it. Commissioner Martinez stated that he would like to wait to hear what the Human Resources has to say first before he makes any decisions.</p> <p>The Commissioners agreed.</p> <p>Administrator Furfaro stated that the form the County Attorney is referring to is the standard operating review for all appointed department heads. He stated that in 2007 DPS made a statement that the department head must have a blended average score of 3 (Satisfactory) or better in order to receive a salary increase.</p> <p>Deputy County Attorney Tumbaga clarified that she was referring to a copy of the Police Chief's evaluation form and not the standard operation review for department's heads and the County Clerk.</p> <p>Commissioner Martinez stated that he wants the components in the Fire Chief's evaluation form to be fair, balanced and specific not like the generic form the Commission is currently using.</p> <p>Commissioner Martinez stated that perhaps it would be a good idea to see what the Police Chief's performance evaluation form looks like so that the Commissioners can prepare some of its own questions for the HR Director.</p> <p>Additionally, Commissioner Martinez asked Chief Westerman if he could provide some specifics on he what thinks the Commission should evaluate him on by the next meeting.</p>	

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	<p>Fire Chief Westerman asked the Commissioners if they want something more goal oriented or more specific in terms of managerial competencies. Vice Chair Nizo stated both. Administrator Furfaro noted that the form the Police Commission uses to evaluate the Police Chief is an evolution of the questions found in the generic sheet.</p> <p>No further discussion, Chair Maruyama called for a motion to defer agenda item KFC 2016-01 to the Commission's next meeting in March.</p>	<p>Vice Chair Nizo moved to defer agenda item KFC 2016-01 to the Commission's next meeting in March. Commissioner Martinez seconded the motion. Motion carried 4:0</p>
<p>KFC 2016-02</p>	<p><u>Memorandum dated December 21, 2015, from Jan TenBruggencate, Chair of the Charter Review Commission to Chair Bradley Maruyama, regarding a proposed amendment to Article XII of the Charter, Fire Department.</u></p> <p>Chair Maruyama explained that the Charter Review Commission received a proposed amendment to Article XII of the Charter, Fire Department.</p> <p>A copy of the Chief's proposed amendments was distributed to the Commissioners.</p> <p>Chair Maruyama asked Administrator Furfaro to share some light on the proposed changes. Administrator Furfaro stated that the best person to address the issue is Fire Chief Westerman since the proposed amendments are being made by him. He mentioned that the Charter Review Commission had concerns over the changes to Section 12.03 D and asked the Fire Chief to reword it for submittal at the CRC's next meeting.</p>	

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	<p>Fire Chief Westerman explained that his proposed changes encompasses everything the fire department does. Relative to his changes to Section 12.03 D. Chief Westerman explained that the reason he removed the wording “or assigned by the Mayor” was because he felt his powers and duties are in accordance with the law; however, the attorney for the Charter Review Commission had concerns over his changes and he was asked to resubmit his changes.</p> <p>Fire Chief Westerman stated that the Administration also asked him to reword the language and submit it back to the Charter Review Commission for further review. He stated that since then he has been working with the County Attorney on the new language.</p> <p>Commissioner Nizo asked what happens if the Fire Commission approves the changes would it be left up to the Charter Review Commission to make the final decision. Administrator Furfaro stated that the Charter Review Commission will review the proposed changes and with the advice from their attorney decide whether place the proposed amendments on the ballot.</p> <p>Fire Chief Westerman pointed out that because these are his changes he should be the one to resubmit to the Charter Review Commission. He added that he was given the option was to pull his proposed amendments but he felt it wasn't a good thing because if the Charter Review Commission cease to exist just to be on the safe side it would better to resubmit his proposal. He commented that the fire department is doing so much more and it really needs to be identified in the charter.</p> <p>Chair Maruyama stated that it is the consensus of the Fire Commission to approve the Chief's proposed changes to Article XII including his revised changes to subsection 12.03 D.</p>	

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	Commissioner Nizo asked if a motion to that effect is necessary. Chair Maruyama called for a motion to accept the recommendations from Fire Chief Westerman.	Vice Chair Nizo moved to receive and accept the amendments to Article XII Sections 12.02 Section 12.03 B including the changes made by Fire Chief Westerman to subsection 12.03 D. Commissioner Martinez seconded the motion carried 4:0
KFC 2016-04	<u>Approval of the Fire Commission 2016 Meeting Schedule.</u> With no further discussion, Chair Maruyama called for a motion to approve agenda item KFC 2016-04.	Vice Chair Nizo moved to approve the 2016 Fire Commission Meeting Schedule. Commissioner Yokoi seconded the motion. Motion carried 4:0.
Announcements	Next meeting – March 7, 2016, at 2:00 p.m. at the Moi`ikeha Building, Meeting Room 2A/2B.	
Adjournment	With no further business to conduct, Chair Maruyama declared the meeting adjourned.	At 3:18 p.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Bradley Maruyama, Chair

☒ Approved as circulated on April 4, 2016
☐ Approved as amended. See minutes of _____ meeting.